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1638

In re Application of:  
Ernst Krebbers et al.

Filed: August 13, 2001

Serial No.: 09/913,569

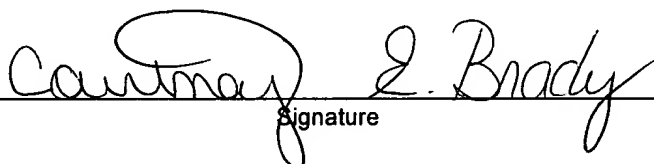
For: Plant Viral Movement Protein Genes

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

"Express Mail" mailing label number US 697563961 US  
Date of Deposit August 30, 2006

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

1) Request under 37 C.F.R. 1.8(b) for Consideration of a Paper Timely Filed but Not Received 2) Copy of Returned Post Card stamped by PCT/PTO 15 Oct 2001 3) Copy of Certificate of Mailing dated October 11, 2001 4) Copy of Information Disclosure Statement originally submitted October 11, 2001 5) Copy of PTO/SB/08 Forms (3) originally submitted on October 11, 2001 6) Copies of references (16) 7) Certificate of Mailing and 8) returned postcard;

  
Signature

Courtney E. Brady

Typed or printed name of person of person mailing paper or fee

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In the Application of:  
ENNO KREBBERS ET AL.

CASE NO.: BB-1344

APPLICATION NO.: 09/913,569

GROUP ART UNIT: 1638

FILED: AUGUST 13, 2001

EXAMINER: KALLIS, RUSSELL

CONFIRMATION NO.: 2373

FOR: PLANT VIRAL MOVEMENT PROTEIN GENES

**REQUEST UNDER 37 C.F.R. 1.8(b) FOR CONSIDERATION OF A PAPER TIMELY  
FILED BUT NOT RECEIVED**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is request under 37 C.F.R. 1.8(b) for consideration of the following enclosed copies of papers (together forming an Information Disclosure Statement), which were previously timely filed with but never received by the USPTO:

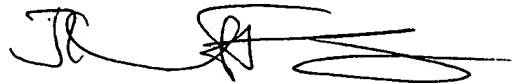
1. Information Disclosure Statement (1 page) with PTO-1449 forms (3 pages);
2. Certificate of Mailing dated October 11, 2001;
3. Return Receipt Postcard stamped by PCT/PTO on October 15, 2001;  
and
4. 16 references cited on the above-referenced PTO-1449 forms.

As supported by the above-listed enclosed papers, the undersigned hereby attests that these papers were timely filed under 37 C.F.R. 1.8(a) on October 11, 2006 (see the enclosed copy of the Certificate of Mailing dated October 11, 2006). Furthermore, the enclosed also contains a copy of the return receipt postcard for these papers, with a PCT/PTO date stamp of October 15, 2001.

This case is currently under a notice of allowance. Applicants intend to pay the issue fee by the September 5, 2006 deadline. Pursuant to a teleconference with Examiner Russell Kallis, Applicants understand that the above Information Disclosure Statement papers will be considered in sufficient time to be considered for inclusion on the official Letters Patent when it issues, since these papers were timely filed but never received by the USPTO.

No fee is believed to be due, but if any fee is due, the Commissioner is authorized to charge Deposit Account No. 18-2284 (DLA Piper Rudnick Gray Cary US LLP).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. KENNETH JOUNG', with a stylized flourish extending to the right.

J. KENNETH JOUNG  
ATTORNEY FOR APPLICANTS  
REGISTRATION NO. 41,881  
TELEPHONE: 312-368-7049  
FACSIMILE: 312-630-7417

Dated: 30 August 2006



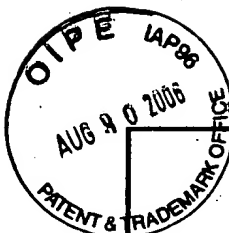
JC14 Rec'd PCT/PTO 15 OCT 2001

CASE no: BB1344 US PCT

App/n. no: 09/913,569

Documents: IOS, PTO/SB/08 Forms (3),  
References, ISR, Cert. of mailing

Attorney: Tom Rizzo



## Certificate of Mailing under 37 CFR 1.8

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Washington, D.C. 20231

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Date

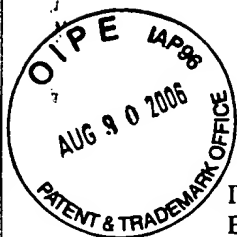
Melissa McCullin  
Signature

MELISSA MCCULLIN

Type or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

INFORMATION DISCLOSURE STATEMENT  
PTO/SB/08 FORMS ( 3 )  
INTERNATIONAL SEARCH REPORT  
REFERENCES  
POSTCARD



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

IN THE APPLICATION OF:  
ENNO KREBBERS ET. AL.

CASE NO: BB1344 US PCT

APPLICATION NO. 09/913,569

GROUP ART UNIT: UNKNOWN

FILED: AUGUST 13, 2001

EXAMINER: UNKNOWN

FOR: PLANT VIRAL MOVEMENT PROTEIN GENES

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In compliance with 37 CFR 1.97 and 1.98, Applicants bring to the attention of the U.S. Patent and Trademark Office information listed on the enclosed PTO/SB/08. Also attached hereto is a copy of an International Search Report from a corresponding foreign application and copies of those references cited therein.

Should any fee be required in connection with the filing of this Information Disclosure Statement, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

TOM RIZZO, PH.D  
Attorney for Applicants  
Registration No. 41,272  
Telephone No: 302-892-7760  
Facsimile No: 302-892-1026

Encl.

Date: \_\_\_\_\_

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 PATENT & TRADEMARK OFFICE

Substitute for form 1449A/PTO

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Sheet	1	of	1
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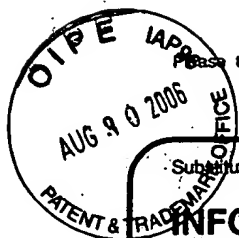
Application Number	09/913,569
Filing Date	August 13, 2001
First Named Inventor	Enno Krebbers et al.
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	BB1344 US PCT

[illegible][illegible]

Date Considered

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 2

### Complete if Known

Application Number	09/913569
Filing Date	AUGUST 13, 2001
First Named Inventor	ENNO KREBBERS ET. AL.
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	BB1344 US PCT

### OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		NATIONAL CENTER FOR BIOTECHNOLOGY INFORMATION GENERAL IDENTIFIER NO. 3803473, 9-18-98, KIM, C.Y., ET. AL. Identification and Characterization of Fungal Elicitor Responsive Rice Genes by mRNA Differential Display	
		NATIONAL CENTER FOR BIOTECHNOLOGY INFORMATION GENERAL IDENTIFIER NO: 2911047, 3-10-00, BEVAN, M., ET AL.	
		NATIONAL CENTER FOR BIOTECHNOLOGY INFORMATION GENERAL IDENTIFIER NO: 2911073, 4-7-99, BEVAN, M., ET. AL.	
		NATIONAL CENTER FOR BIOTECHNOLOGY INFORMATION GENERAL IDENTIFIER NO: 3860331, 11-11-98, DOPICO, B., ET AL., cDNA expressed in chickpea epicotyls	
		NATIONAL CENTER FOR BIOTECHNOLOGY INFORMATION GENERAL IDENTIFIER NO: 1498055, 8-21-96, BETAWAR, N.M., ET. AL., Novel maize gene	
		EMBL DATABASE SEQUENCE LIBRARY ACCESSION NO. AF090698, 9/23/98, C. Y. KIM ET AL., Identification and Characterization of Fungal Elicitor Responsive Rice Genes by mRNA Differential Display	
		EMBL DATABASE SEQUENCE LIBRARY ACCESSION NO: AA556184, 8/3/98, I. ALLONA ET AL., Analysis of xylem formation in pine by cDNA sequencing	
		EMBL DATABASE SEQUENCE LIBRARY ACCESSION NO: C73264, 9/22/97, SAKAI, T ET AL., Rice cDNA from panicle at flowering stage	
		CAZARES, B., ET.AL. SCIENCE 283:94-98 1999, Plant Paralog to Viral Movement Protein That Potentiates Transport of mRNA into the Phloem	
		EMBL DATABASE SEQUENCE LIBRARY ACCESSION NO: AF079170, 1/20/99, B. C. YOO ET AL., Plant paralog to viral movement protein that potentiates transport of mRNA into the phloem	
		EMBL DATABASE SEQUENCE LIBRARY ACCESSION NO: U95136, 3/10/98, C. Y. KIM ET AL., Isolation and characterization of early rice genes by a fungal elicitor with mRNA differential display	

Examiner  
Signature

Date  
Considered

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

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## **Complete if Known**

Application Number	09/913569
Filing Date	AUGUST 13, 2001
First Named Inventor	ENNO KREBBERS ET. AL.
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	BB1344 US PCT

Sheet 2 2

## **OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		EMBL DATABASE SEQUENCE LIBRARY ACCESSION NO: U95135, 3/10/98, C.Y. KIM ET AL., Isolation and characterization of early rice genes by a fungal elicitor with mRNA differential display	
		EMBL DATABASE SEQUENCE LIBRARY ACCESSION NO: U64437, 8/23/96, N. M. BETAWAR ET AL., Novel Maize Gene	
		DAVID L. BECK ET AL., PNAS, vol. 91:10310-10314, 1994, Disruption of virus movement confers broad-spectrum resistance against systemic infection by plant viruses with a triple gene block	

Examiner  
Signature

Date  
Considered

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